

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR
February 26, 2002

HAZARDOUS WASTE LIABILITY EXEMPTIONS

DNR has received approval from EPA to use enforcement discretion and not apply hazardous waste liability provisions to local government units (LGUs) and lenders that acquire an interest in a contaminated property or protect their security interest. Many LGUs and lenders have been reluctant to acquire property or finance loans at properties potentially impacted by hazardous waste. They do not want to be held responsible for investigation and cleanup under state or federal hazardous waste rules. Exemptions under the spill law that provide limitations on liability for LGUs and lenders do not apply to releases of hazardous waste. However, in November of 2001 DNR submitted proposals to EPA to utilize state enforcement discretion and not apply hazardous waste liability provisions to LGUs and lenders that acquire an interest in the property or protect their security interest, provided that they follow the provisions in Ch. 292, Wis. Stats. EPA has now responded favorably. LGUs and lenders can review the federal responses to determine if a hazardous waste exemption may be applicable and may help move a cleanup forward. If so, they should contact the DNR regional office and request a general liability clarification letter (\$500 fee). For the full text of Wisconsin's requests and EPA's responses, please see the "Limiting Liability for Lenders or Local Governments Interested in Purchasing or Already Owning Property Impacted By Releases of Hazardous" header on our Liability web page at <http://www.dnr.state.wi.us/org/aw/rr/liability/index.htm> Local governments with questions may contact Dan Kolberg at 608-267-7500, or kolbed@dnr.state.wi.us. Lenders may contact Anna Bates at 608-264-6007, or batesa@dnr.state.wi.us

NEW "SITES" IN BRRTS ON THE WEB

We have added new locations to the Bureau for Remediation and Redevelopment Tracking System (BRRTS). These locations show where DNR has information that there was, or may have been, a discharge to the environment and has determined that the responsible party does not need to undertake an investigation or cleanup. It does not mean that the entire site has been thoroughly investigated and found to be without significant contamination. The purpose of adding these locations to BRRTS is to show interested parties that DNR has received and reviewed an environmental report and agreed that no further action is required. Most of the sites currently in this category are underground storage tank removals where DNR concurred that no site investigation is needed. Other examples will include Phase II environmental site assessments that do not require further investigation. The paper files for UST site assessment reports that are shown in this module are stored in state archives and take some time to retrieve. If you need file information about an UST removal site, please contact Judy Foss at 608-266-3308, or fossj@dnr.state.wi.us. If you need more information about other sites in this module, please consult with the DNR regional contact person. <http://www.dnr.state.wi.us/org/aw/rr/brrts/index.htm>

NORTHERN REGION HOSTS CONSULTANT DAY

The RR Program's Northern Region will host a Consultant Day on Tuesday, March 12. Reservations are due March first. The session will be hosted by the Federation of Environmental Technologists (FET) in Rice Lake, at the WITC Conference Center, 1900 College Drive, from 8:00 a.m.

to 4:00 p.m.. The registration fee (payable to FET) is \$75, which includes lunch and printed materials. Topics include fees and the submittal process, defining contaminated sites, site investigation reports, soil performance standards, public notification about contamination, case closure, the GIS Registry, and new brownfield initiatives. You can see the full agenda and the reservation form on FET's web site at <http://www.fetinc.org/upcomingevents.html>

NORTHERN REGION STAFFS ASHLAND OFFICE

Chris Saari, hydrogeologist in our Northern Region, has moved from Brule to Ashland. Chris' new address is: Ashland Service Center, 2501 Golf Course Rd., Ashland, WI 54806. His telephone number is now 715-685-2920.

QUALITY OF GIS SUBMITTALS

Consultants should remember that the information that DNR scans onto the GIS Registry of Closed Remediation Sites usually includes your company name. The quality of the maps and tables on the registry can reflect on the quality of the work that consultants provide their clients. DNR's primary interest is to be sure that the information is legible and clear to GIS Registry users. Therefore, project managers may refuse to accept a submittal that is not of adequate quality for the registry. Failure to submit quality information for the registry may therefore delay the final closure of the site.

To subscribe to this newsletter: Send an e-mail message to majordomo@badger.state.wi.us Omit an entry in the subject line, type "subscribe rr" (without quote marks) alone in the body of the message. Do not use a signature block. To unsubscribe: Send an e-mail to majordomo@badger.state.wi.us In the body of the message type "unsubscribe rr name" (without quote marks). "Name" is the e-mail address you used to subscribe to the list. Please be sure your signature block is turned off.